



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

## REGION 8

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<http://www.epa.gov/region08>

### Fact Sheet

#### **Summary of EPA's Proposed Rulemaking: Approval, Disapproval and Promulgation of Implementation Plans; State of Wyoming; Regional Haze State Implementation Plan; Federal Implementation Plan for Regional Haze**

**Provided at the July 17, 2013 Public Hearing in Cheyenne, Wyoming, and the July 26, 2013 Public Hearing in Casper, Wyoming**

#### **Proposal overview:**

- On June 10, 2013, the Environmental Protection Agency (EPA) published a proposed rule to approve and disapprove Wyoming's Regional Haze State Implementation Plan (SIP) on Regional Haze and to propose a Federal Implementation Plan (FIP) in order to satisfy the Clean Air Act's requirements concerning Regional Haze. The proposal may be viewed at: <http://www.regulations.gov> by searching for Docket ID No. EPA-R08-OAR-2012-0026, or at Volume 78 of the Federal Register, page 34738, which can be accessed online at <http://www.gpoaccess.gov>.

#### **Background:**

- The Clean Air Act (CAA) (section 169A) establishes as a national goal the "prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas," i.e., our national parks and wilderness areas. To address this goal, Congress required EPA to adopt rules and required states to adopt revisions to their state implementation plans or "SIPs." The CAA requires, as part of the SIPs, that certain large sources of pollution install Best Available Retrofit Technology or "BART," which is to be determined considering five factors, including cost and visibility improvement. In addition, the CAA requires the SIPs to include measures to provide for reasonable progress toward the national goal.
- In 1999, EPA issued rules to address regional haze, a particular type of visibility impairment in our national parks and wilderness areas that can arise from a variety of sources across broad geographic areas. These rules required all 50 states to submit SIP revisions to address regional haze by December 17, 2007. Among other things, these rules specified requirements related to BART and reasonable progress. Wyoming and numerous other states did not meet the December 2007 deadline. On January 15, 2009, EPA found that 37 states, including Wyoming, had failed to submit SIPs addressing the regional haze requirements. 74 FR 2392. Once EPA has found that a state has failed to make a required submission, EPA is required to promulgate a FIP within two

years unless the state submits a SIP and the Agency approves it within the two-year period. CAA §110(c)(1).

- A state must submit its SIP revisions to EPA for approval. If EPA finds that a state has failed to make a required SIP submittal or if EPA disapproves a state's required submittal, then EPA must promulgate a FIP within two years to fill the regulatory gap.
- Because EPA did not issue FIPs within two years, it was sued and is now under court orders to take final action on the State's SIP by October 15, 2012.
- Wyoming submitted a regional haze SIP on January 12, 2011 that addresses the requirements under 40 CRR 51.309(g) relating to the BART requirements for particulate matter (PM) and nitrogen oxides (NO<sub>x</sub>), reasonable progress, and additional Class I areas.
- EPA initially proposed to partially approve and partially disapprove Wyoming's regional haze plan on June 4, 2012. Based on further review of what the State submitted, EPA conducted new cost and visibility modeling prior to issuing today's proposed action.

#### **Major Aspects of EPA's Proposal:**

We are proposing approval of the State's BART determinations for NO<sub>x</sub> for five electric generating units or "EGUs" and for four other units. We are proposing to approve all of the State's BART determinations for PM. We are proposing to approve the State's reasonable progress determinations for NO<sub>x</sub> and PM for one source.

- We are proposing to disapprove the following major aspects of the regional haze SIP:
  - The State's NO<sub>x</sub> BART determinations for PacifiCorp Dave Johnston Units 3 and 4, PacifiCorp Naughton Units 1 and 2, PacifiCorp Wyodak Unit 1, and Basin Electric Laramie River Units 1, 2, and 3.
  - The State's NO<sub>x</sub> reasonable progress determinations for PacifiCorp Dave Johnston Units 1 and 2.
  - Wyoming's reasonable progress goals (RPGs).
  - The State's monitoring, recordkeeping, and reporting requirements in Chapter 6.4 of the SIP.
  - Portions of the State's long-term strategy (LTS) that rely on or reflect other aspects of the regional haze SIP.
  - The provisions necessary to meet the requirements for the coordination of the review of the reasonable attributable visibility impairment (RAVI) and the regional haze LTS.
- We are proposing a FIP for regional haze to replace the provisions of the SIP we are proposing to disapprove. The following are the major elements:
  - NO<sub>x</sub> BART determinations and limits for PacifiCorp Dave Johnston Units 3 and 4, PacifiCorp Naughton Units 1 and 2, PacifiCorp Wyodak Unit 1, and Basin Electric Laramie River Units 1, 2, and 3.

- NO<sub>x</sub> reasonable progress determinations and limits for PacifiCorp Dave Johnston Units 1 and 2.
  - RPGs consistent with the SIP limits proposed for approval and the proposed FIP limits.
  - Monitoring, recordkeeping, and reporting requirements applicable to all BART and reasonable progress sources for which there is a SIP or FIP emissions limit.
  - LTS elements pertaining to emission limits and compliance schedules for the proposed BART and reasonable progress FIP emission limits.
  - Provisions to ensure the coordination of the RAVI and regional haze LTS.
- We will continue to work with Wyoming on these issues. If the State finalizes a revised plan that adequately addresses regional haze, our federal plan could be superseded upon EPA's approval of the State's revised plan.

**For Further Information:**

- The proposal may be viewed at: <http://www.regulations.gov> by searching for Docket ID No. EPA-R08-OAR-2012-0026.
- In addition to the proposed rule, other background information is available at <http://www.regulations.gov> by searching for Docket ID No. EPA-R08-OAR-2012-0026 or in hard copy at the Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1196. EPA requests that, if possible, you contact Laurel Dygowski at (303) 312-6144 or [dygowski.laurel@epa.gov](mailto:dygowski.laurel@epa.gov) to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.
- For further information concerning this action, contact Laurel Dygowski of EPA Region 8's Air Program at (303) 312-6144 or [dygowski.laurel@epa.gov](mailto:dygowski.laurel@epa.gov).
- You may submit written comments on EPA's proposal. Written comments should reference Docket ID No. EPA-R08-OAR-2012-0026 and must be received on or before August 9, 2013. See the proposal notice for further instructions on submitting comments.